

TOWNSEND AND TOWNSEND AND CREW LLP
JAMES G. GILLILAND, JR. (State Bar No. 107988)
Two Embarcadero Center, 8th Floor
San Francisco, California 94111
Telephone: (415) 576-0200
Facsimile: (415) 576-0300
jggilliland@townsend.com

IRIS SOCKEL MITRAKOS (State Bar No. 190162)
12730 High Bluff Drive, Suite 400
San Diego, California 92130
Telephone: (858) 350-6100
Facsimile: (858) 350-6111
ismitrakos@townsend.com

ROBERT D. TADLOCK (State Bar No. 238479)
379 Lytton Avenue
Palo Alto, California 94301
Telephone: (650) 326-2400
Facsimile: (650) 326-2422
rdtadlock@townsend.com

Attorneys for Petitioners
DREYER'S GRAND ICE CREAM, INC. and
EDY'S GRAND ICE CREAM

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(OAKLAND DIVISION)

DREYER'S GRAND ICE CREAM, INC., a
Delaware corporation, and EDY'S GRAND ICE
CREAM, a California corporation,

Petitioners,

v.

ICE CREAM DISTRIBUTORS OF
EVANSVILLE, an Indiana limited liability
company,

Respondent.

Case No. C07-00140 CW

**STIPULATION AND ORDER TO STAY
ACTION TO MAY 31, 2007 AS MODIFIED**

Judge: The Honorable Claudia Wilken

Petition Filed: January 9, 2007

The parties, Plaintiffs Dreyer's Grand Ice Cream, Inc. and Edy's Grand Ice Cream, and Defendant Ice Cream Distributors of Evansville, LLC, through counsel, hereby stipulate and agree that all actions, deadlines and other proceedings in this action shall be and hereby are stayed through and including May 31, 2007, while the parties voluntarily submit to mediation.

The parties further agree that the pending Motion to Compel Alternative Dispute Resolution, scheduled for March 16, 2007, shall be taken off calendar.

The parties further agree that if the parties, or either or them, seek to lift the stay prior to May 31, 2007, because the mediation was unsuccessful or the settlement discussions otherwise reach an impasse, the parties, or any of them, may file an unopposed motion to have the stay lifted. In the event that such an unopposed motion is filed by one party, the other parties shall not oppose the motion and agree that an order lifting the stay may be entered by the Court without a hearing.

DATED: March 2, 2007

Respectfully submitted,
TOWNSEND AND TOWNSEND AND CREW LLP

By: /s/ Iris Sockel Mitrakos

IRIS SOCKEL MITRAKOS
Attorneys for Plaintiffs
DREYER'S GRAND ICE CREAM, INC. and
EDY'S GRAND ICE CREAM

DATED: March 2, 2007

Respectfully submitted,

WINEBERG, SIMMONDS & NARITA LLP

By: /s/ Michael R. Simmonds

MICHAEL R. SIMMONDS
Attorneys for Defendant
ICE CREAM DISTRIBUTORS OF EVANSVILLE

ORDER

IT IS HEREBY ORDERED that **the motion to compel alternative dispute resolution is denied without prejudice to re-noticing. The case management conference is continued to Tuesday, June 12, 2007, at 2:00 p.m.**

DATED: March 6, 2007



JUDGE OF THE UNITED STATES DISTRICT COURT